

EXHIBIT 4

Mark Rice-30 (B) (6)

February 24, 2010

Page 1

120485 eb

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SYNQOR, INC. *
*
VS. * CIVIL ACTION
* NO. 2:07-CV-497-TJW-CE
ARTESYN TECHNOLOGIES, INC., *
ASTEC AMERICA, INC., BEL *
FUSE INC., CHEROKEE *
INTERNATIONAL CORP., DELTA *
ELECTRONICS, INC., DELTA *
PRODUCTS CORP., LINEAGE *
POWER CORP., MURATA *
ELECTRONICS NORTH AMERICA, *
INC., MURATA MANUFACTURING *
CO., LTD., MURATA POWER *
SOLUTIONS INC., POWER-ONE, *
INC. *

SECOND 30(b) (6) DEPOSITION OF MARK RICE
VOLUME 1
UPON RECEIPT OF SIGNATURE, THE ORIGINAL OF THIS
DEPOSITION WILL BE IN THE CUSTODY OF:

Michael D. Hatcher, Esquire
Sidley Austin LLP
717 North Harwood, Suite 3400
Dallas, Texas 75201

Date Edith A. Boggs, CSR

2-24-10 HOUSTON, TEXAS

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3			3 QUESTIONS BY PAGE		
4			4 Mr. Hatcher 6		
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7			7 INDEX OF EXHIBITS		
8			8		
9			9 NO. MARKED DESCRIPTION		
10			10		
11			11 AA51 7 SynQor's Amended Second Notice of Deposition of Astec Pursuant to Fed.R.Civ.P. 30(b)(6)		
12			12 AA52 8 SynQor's Second Notice of Deposition of Artesyn Pursuant to Fed.R.Civ.P. 30(b)(6)		
13			13 AA53 8 Quarter-Brick IBC Series		
14			14 AA54 9 Eighth-Brick IBC Series		
15			15 AA55 10 Typhoon Family 2nd Generation Quarter-Brick Intermediate Bus Converter Training Module		
16			16 AA56 10 Astec/Artesyn Intermediate Bus Converters		
17			17 AA57 10 Astec On-Board DPA Products		
18			18 AA58 10 DC-DC Product Update		
19			19 AA59 23 Astec America Inc.'s Fourth Supplemental Responses to SynQor, Inc.'s First Set of Interrogatories to Defendants, Appendix ROG-9.1		
20			20 AA60 40 IBC Product Line Strategy		
21			21 AA61 60 Engineering, Custom product and DC-DC Update		
22			22		
23			23		
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4			1 AA62 99 Solutions for Black Pearl		
5			2 AA63 125 E-mail dated 5-13-05 from Nick Leatherdale		
6			3 AA64 126 E-mail dated 6-26-05 from Jackie Day		
7			4 AA65 128 E-mail dated 3-7-05 from Jackie Day		
8			5 AA66 147 E-mail dated 10-31-02 from Keith Loehrlein		
9			6 AA67 151 E-mail dated 8-19-07 from Jim Quinlan		
10			7 AA68 154 DSBU Next Generation Wiring Closet DC-DC Power Request for Information		
11			8 AA69 160 Sales of bus converters shipped into or out of the United States beginning July 4, 2006		
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1 PROCEEDINGS	1 MR. HATCHER: And I'd like to mark as
2 THE VIDEOGRAPHER: Today is Wednesday,	2 Exhibit AA 52 SynQor's second notice of -- of deposition
3 February 24th, 2010.	3 of Artesyn.
4 This is the 30(b)(6) deposition of --	4 (Exhibit AA 52 marked.)
5 deposition of Artesyn Technologies/Astec America. Mark	5 Q. (BY MR. HATCHER) Have you seen Exhibits AA 51
6 Rice is the designated witness. This begins tape one,	6 and 52 before?
7 and we are now on the record.	7 A. Yes, I have.
8 MR. HATCHER: Could you please --	8 Q. Are you aware that you've been identified as a
9 MARK RICE	9 corporate representative to testify on behalf of both
10 was called as a witness and, being first duly sworn by	10 Artesyn and Astec today?
11 the notary, testified as follows:	11 A. Yes.
12 EXAMINATION	12 Q. Are you aware you're supposed to provide the
13 Q. (BY MR. HATCHER) An important preliminary point.	13 information your company has on these topics and not
14 Could you please state your name.	14 just your personal knowledge?
15 A. Mark Rice.	15 A. Yes.
16 Q. And where do you work?	16 Q. Do you believe you are prepared to do so today?
17 A. I work at Emerson Network Power.	17 A. Yes, I am.
18 Q. Have you been deposed before?	18 Q. And that's for all topics in both notices; is
19 A. Yes, I have.	19 that correct?
20 Q. Was it just the once that I deposed you	20 A. That's correct.
21 previously or was there another time?	21 MR. HATCHER: I'd like to mark as Exhibit AA
22 A. I had one a long -- several -- probably five or	22 53 a document entitled Quarter-Brick IBC Series
23 six years prior, a personal deposition.	23 Application Note 190.
24 Q. Did that have anything to do with a patent	24 (Exhibit AA 53 marked.)
25 infringement case?	25 Q. (BY MR. HATCHER) What I'm going to do is I'm
Page 7	Page 9
1 A. No.	1 going to mark three or four documents now, and while I'm
2 Q. Okay. What was it, at a high level, just --	2 doing that, if you can just flip through them quickly
3 A. It was a -- I believe it was a distribution	3 just so you know what they are. If I have specific
4 termination agreement.	4 questions about specific things, I'll point them to you.
5 Q. Do you understand that I'm going to ask you a	5 MR. HATCHER: I'm going to mark as Exhibit
6 series of questions and you're under oath to answer to	6 AA 54 a document entitled Eighth-Brick IBC Series
7 the best of your ability?	7 Application Note 182.
8 A. Yes.	8 (Exhibit AA 54 marked.)
9 Q. Do you understand that your lawyer may object to	9 MR. ANDREWS: Mike, I'd like to -- I just
10 a question but you still must answer unless he instructs	10 want to note that these don't have production numbers on
11 you not to?	11 them. Did you pull these off the Internet recently?
12 A. Correct.	12 MR. HATCHER: Yes, your web site.
13 Q. If for any reason you do not understand a	13 MR. ANDREWS: Okay.
14 question of mine, you can ask me to clarify. Okay?	14 MR. HATCHER: Your client's web site.
15 A. Yes.	15 Excuse me.
16 Q. Otherwise, I will assume you understood the	16 MR. ANDREWS: Are they the current versions
17 question. Okay?	17 that you pulled off say in the past couple of months
18 A. Okay.	18 or --
19 Q. Is there any reason you cannot provide truthful	19 MR. HATCHER: Yes.
20 and accurate testimony today?	20 MR. ANDREWS: Okay.
21 A. No.	21 MR. HATCHER: I believe so. I didn't
22 MR. HATCHER: I'd like to mark as Exhibit AA	22 personally do it but yes, I believe so.
23 51 SynQor's amended second notice of deposition of	23 MR. ANDREWS: That's fine.
24 Astec.	24 MR. HATCHER: I'd like to mark as Exhibit AA
25 (Exhibit AA 51 marked.)	25 55 a document that's been Bates labeled ARTN 879697

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<p style="text-align: right;">Page 38</p> <p>1 that meant?</p> <p>2 A. Well, it's -- all I can say is what is actually 3 written in here. How it's used or what they built on 4 their board is their design. So, we would -- all we 5 know is that they're using a Volterra semi-conductor 6 based discrete dc-dc converter but whether it's isolated 7 or nonisolated, that's really their design. We wouldn't 8 have any knowledge or control over that.</p> <p>9 Q. Artesyn and Astec do not know one way or the 10 other whether it's nonisolated?</p> <p>11 A. We don't know if it's nonisolated or isolated, 12 correct.</p> <p>13 Q. Turning to Page 17, Artesyn and Astec know that 14 Sun uses Artesyn and Astec's variable duty cycle bus 15 converters that it buys from Artesyn and Astec to power 16 two or more nonisolated switching regulators; is that 17 correct?</p> <p>18 MR. ANDREWS: Objection to form.</p> <p>19 A. We know that Sun has purchased our bus 20 converters.</p> <p>21 Q. (BY MR. HATCHER) And uses them to feed multiple 22 dc-dc converters, correct?</p> <p>23 A. What we know and what's believed is that it's 24 used in an Intel based blade server project that is 25 referred to as Scorpio, and the Scorpio blade server had</p>	<p style="text-align: right;">Page 40</p> <p>1 Artesyn and Astec do know that Sun at least 2 offers its end products incorporating Artesyn and 3 Astec's variable duty cycle bus converters for sale in 4 the U.S., correct?</p> <p>5 MR. ANDREWS: Objection to form.</p> <p>6 A. Sun offers their products globally, and the U.S. 7 is included.</p> <p>8 MR. HATCHER: I'd like to mark as Exhibit AA 9 60 a document Bates labeled ARTN 1708572 through 613. 10 (Exhibit AA 60 marked.)</p> <p>11 Q. (BY MR. HATCHER) If you could, please take a 12 moment to familiarize yourself with Exhibit AA 60. I've 13 got a fair number of questions about it. I guess to 14 preview, I mean, what I'm going to be interested in is 15 that this appears to me to lay out -- to indicate that 16 Artesyn and Astec have knowledge of various customers' 17 use of their intermediate bus converters, their -- their 18 unregulated and variable duty cycle bus converters and 19 that generally they're all used to power multiple 20 nonisolated switching regulators, and it lists accounts 21 and has end applications -- or end product information, 22 including diagrams of some of the products. So, take 23 your time --</p> <p>24 A. Okay.</p> <p>25 Q. -- and then I'll ask you about it.</p>
<p style="text-align: right;">Page 39</p> <p>1 a short production run. It's now into life in the LB 40 2 and the Scorpio is believed to feed dc-dc converters.</p> <p>3 Q. Are those nonisolated regulating dc-dc 4 converters?</p> <p>5 A. We don't know if it's isolated or nonisolated. 6 It's just a dc-dc converter.</p> <p>7 Q. Who was it at -- at Artesyn or Astec that had 8 this amount of knowledge about the Sun end product?</p> <p>9 A. In this report, it's stated as Laura Ferrante and 10 Randy Schoephoerster.</p> <p>11 Q. Did -- did you ask them whether or not they knew 12 if they were nonisolated regulating converters?</p> <p>13 A. I spoke -- I spoke to Laura Ferrante, and she 14 said that these were -- what she believed they were used 15 for was powering disk drives, as well as dc-dc 16 converters.</p> <p>17 Q. Did she know what type of dc-dc converters, 18 whether they were nonisolated?</p> <p>19 A. I don't recall whether they were listed as 20 isolated or nonisolated.</p> <p>21 Q. That's something I would like to check, if 22 possible, at a break. I'll make a note to myself, too, 23 whether Artesyn and Astec's belief or best information 24 is that they are nonisolated switching regulators 25 when -- when it refers to feed dc-dc converters.</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Okay.</p> <p>2 Q. Okay. What is Exhibit AA 60?</p> <p>3 A. It -- it appears to be an internal document, a 4 marketing document.</p> <p>5 Q. Does it basically present Artesyn and Astec's 6 strategy for sales and marketing for its unregulated and 7 variable duty cycle bus converters?</p> <p>8 MR. ANDREWS: Objection to form.</p> <p>9 A. I'm not sure if Jon is with the company but -- 10 and I'm also not sure clearly what his intention was but 11 it appears to go through what some of the strategies are 12 with the IBC.</p> <p>13 Q. (BY MR. HATCHER) I'm sorry, did you say you do 14 or don't know who Jon Firth is?</p> <p>15 A. I think he was somebody in the Artesyn marketing.</p> <p>16 Q. Do you know whether he's still with the company?</p> <p>17 A. I don't think -- he's no longer with the company.</p> <p>18 THE COURT REPORTER: I'm sorry, can I get 19 you to --</p> <p>20 A. No, he's no longer with the company. He's no 21 longer with the company.</p> <p>22 Q. (BY MR. HATCHER) Okay. Do you know what his 23 position was when he was with the company?</p> <p>24 A. I don't know what his exact position was but he 25 was involved in marketing activity.</p>

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<p style="text-align: right;">Page 186</p> <p>1 like it's already been done but check and confirm 2 whether or not any of the data sheets that you did find 3 had the '190 patent on it and if it did, then I want to 4 know who had it.</p> <p>5 A. Uh-huh.</p> <p>6 MR. HATCHER: All right. So, with that, I 7 think that's all I have for today and it's probably a 8 good stopping point --</p> <p>9 MR. ANDREWS: Okay.</p> <p>10 MR. HATCHER: -- to go until tomorrow.</p> <p>11 THE VIDEOGRAPHER: The time is approximately 12 5:36 p.m. We are going off the record.</p> <p>13 (Whereupon at 5:36 p.m. the 14 deposition was adjourned.)</p> <p>15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 188</p> <p>1 I, MARK RICE, have read the foregoing deposition 2 and hereby affix my signature that same is true and 3 correct, except as noted above.</p> <p>4 <u>MARK RICE</u></p> <p>5 THE STATE OF _____ 6 COUNTY OF _____ 7 Before me, _____, on this day personally 8 appeared MARK RICE, known to me (or proved to me under 9 oath or through _____) (description of identity 10 card or other document) to be the person whose name is 11 subscribed to the foregoing instrument and acknowledged 12 to me that they executed the same for the purposes and 13 consideration therein expressed. 14 Given under my hand and seal of office this _____ day 15 of _____, _____.</p> <p>16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 187</p> <p>1 ERRATA SHEET</p> <p>2 Correction Page Line</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>	<p style="text-align: right;">Page 189</p> <p>1 STATE OF TEXAS * 2 COUNTY OF HARRIS *</p> <p>3 I, the undersigned certified shorthand reporter 4 and notary public in and for the State of Texas, certify 5 that the facts stated in the foregoing pages are true 6 and correct.</p> <p>7 I further certify that I am neither attorney or 8 counsel for, nor related to or employed by, any of the 9 parties to the action in which this deposition is taken 10 and, further, that I am not a relative or employee of 11 any counsel employed by the parties hereto, or 12 financially interested in the action.</p> <p>13 SUBSCRIBED AND SWORN TO under my hand and seal of 14 office on this the 8th day of March, 2010.</p> <p>15 EDITH A. BOGGS, CSR 16 Certified Shorthand Reporter and 17 Notary Public in and for 18 the State of Texas 19 Notary Expires: 5-10-2012 20 Certificate No. 3022 21 Expiration date: 12-31-2011 22 Esquire Deposition Solutions, LLC 23 Registration No. 3</p> <p>24 25</p>